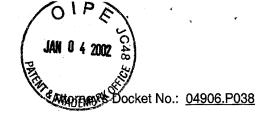
Application Number



<u>PATENT</u>

DECLARATI	ON AND POWER OF AT	TORNEY FOR PATENT APPLIC	JATION	
As a below named inver	ntor, I hereby declare that	t:		
My residence, post office	e address and citizenship	are as stated below, next to my	name.	
first, and joint inventor (if for which a patent is sou	f plural names are listed ight on the invention entit ARATUS FOR PROVIDII	(if only one name is listed below) below) of the subject matter whic led: NG SCALABILITY AND FAULT		
the specification of which	h			
	ned hereto. d on (MM/DD/YYYY) United States Application or PCT International Application and was amended on (Market)	olication Number	le)	as 
I hereby state that I have	a reviewed and understa	nd the contents of the above-ider	•	
		by any amendment referred to a		
	to disclose all information of Federal Regulations,	known to me to be material to pa Section 1.56.	atentabilit	y as
foreign application(s) for	patent or inventor's certi or patent or inventor's ce	35, United States Code, Section ficate listed below and have also rtificate having a filing date before	identified	below
Prior Foreign Application(s)		Priority <u>Claimed</u>		
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
I hereby claim the benef provisional application(s		States Code, Section 119(e) of ar	y United	States
Application Number	(Filing Date -	· MM/DD/YYYY)		

(Filing Date – MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	(Filing Date – MM/DD/YYYY)	Status patented, pending, abandoned
Application Number	(Filing Date – MM/DD/YYYY)	Status patented, pending, abandoned
part of this document) as r	ny respective patent attorneys and n, to prosecute this application and	nich is incorporated by reference and a patent agents, with full power of to transact all business in the Patent
ZAFMAN LLP, 12400 Wils	(Name of Attorney or Agent)	, BLAKELY, SOKOLOFF, TAYLOR & ngeles, California 90025 and direct
statements made on info statements were made w are punishable by fine or	ormation and belief are believed to with the knowledge that willful fal or imprisonment, or both, under S ch willful false statements may je	wn knowledge are true and that all to be true; and further that these lse statements and the like so made section 1001 of Title 18 of the United eopardize the validity of the
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## APPENDIX A

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## APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.